LOWER PAXTON TOWNSHIP BOARD OF SUPERVISORS

Minutes of Board Meeting held April 16, 2013

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:30 p.m. by Chairman William B. Hawk, on the above date, in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: David B. Blain, William C. Seeds, Sr., William L. Hornung, and Gary A. Crissman.

Also in attendance were George Wolfe, Township Manager; Steve Stine, Township Solicitor; Steve Fleming, HRG, Inc.; Marc Kurowski, K&W Engineers; David Ionni, Developer; and Ted Robertson and Watson Fisher, SWAN.

Mr. Hawk called for a recess to allow Chairman William C. Seeds conduct a special Sewer Authority Meeting. Mr. Hawk reconvened the meeting at 7:35 p.m.

Pledge of Allegiance

Mr. Hawk noted that the Pledge of Allegiance was recited at the previously held Sewer Authority Meeting.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes from the March 9, 2013 and April 2, 2013 business meetings. Mr. Blain seconded the motion, and a unanimous vote followed.

Public Comment

No comments were provided.

Chairman and Board Member's Comments

Mr. Hawk explained that he plans to address the viewing public with comments on prevailing wages and pension reform during the next business meeting.

Manager's Report

Mr. Wolfe provided no comments.

OLD BUSINESS

Action on License Agreement for paintball operations at Wolfersberger Park

Mr. Wolfe explained that Mr. Luetchford had been involved with the lease agreement and asked him to explain the details to the Board members.

Mr. Brian Luetchford explained this is a license agreement for paintball operations using the back 40 acres on the Wolfersberger Tract, noting that it is a license agreement and not a lease agreement and can be terminated with 60 days notice by either party. He noted that the operators of the paintball operations have been using the premises for the past 15 to 20 years and he recently negotiated a new agreement for year round use. He noted that it was agreed to have a license agreement in place for their use at this time until the park is developed by the Township.

Mr. Seeds questioned if this agreement is for the same price that the operators paid to Mr. Spangler when he owned the property. Mr. Luetchford answered that it is not as it is a much higher amount.

Mr. Seeds questioned what the time frame was for the agreement. He questioned if it was a year lease. Mr. Luetchford answered that it is a monthly agreement.

Mr. Seeds questioned Mr. Luetchford if he has toured the facility lately. Mr. Luetchford answered yes. Mr. Seeds noted that the operators erected more buildings near the tree line since the last time he was in the property. Mr. Luetchford explained that those structures that are

along the tree line are surplus U.S. Army storage containers used to store repairs parts and supplies. He noted that they have other structures made out of fallen trees or pallets to provide obstacles for the courses. He explained that they have 13 different fields that they use in the 40 acres for various scenarios.

Mr. Hornung questioned Mr. Stine if he has looked over the agreement. Mr. Stine answered that he wrote the agreement.

Mr. Crissman made a motion to approve the license agreement for paintball operations at Wolfersberger Park with a monthly rent of \$850. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Resolution 13-13; accepting the plan and procedures for operation and safety of a fireworks display at Koons Park, proposed by Linglestown Fire Company

Mr. Wolfe noted at the last workshop session, representatives from the Linglestown Fire Company presented an operations and safety plan for the proposed fireworks display to be conducted in Koons Park over the 4th of July holiday. He noted that the plan was explained to Board members in detail in a workshop session, at which time the Fire Company stated that it plans to take all steps feasible to ensure safety of the public from the proposed fireworks display. He noted that the safety procedures will include enhanced efforts to make sure that no unexploded ordinance remains in the park after the display. He noted that representatives are present from the Linglestown Fire Company to expand on this if needed. He explained that the resolution is ready for action this evening.

Mr. Hawk noted that he was very impressed with the way the Linglestown Fire Company is going about ensuring the safety and overall operations of the fireworks. He noted that many questions were asked during the workshop session concerning the sweeping and cleaning of the area after the fireworks display. He noted that it was very well done and organized.

Mr. Crissman noted, in light of the due diligence that has been prepared and submitted for consideration by the Linglestown Fire Company to display fireworks, and having presented an excellent plan, he made a motion to approve Resolution 13-13; accepting the plan and procedures for operation and safety of a fireworks display at Koons Park by the Linglestown Fire Company. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

NEW BUSINESS

Proclamation 13-01; Declaration of Arbor Day

Mr. Hawk explained that Wednesday, April 30th has been designated as Arbor Day in the Township.

Mr. Hawk proceeded to read the Proclamation declaring Wednesday, April 30, 2013, as Arbor Day in Lower Paxton Township.

Mr. Crissman made a motion to approve Proclamation 13-01, declaring April 30th as Arbor Day. Mr. Blain seconded the motion and a unanimous vote followed.

Action on proposal from HRG, Inc. to provide engineering services in regard to replacement of the roof on the Municipal Center

Mr. Wolfe noted that the 2012 Bond Issue included \$400,000 to be used to replace the roof on the Municipal Center. He noted that staff is now ready to implement that project and he requested Mr. Fleming to provide a price proposal to the Township, as its engineer, to perform the requisite duties in taking this project through to construction. He noted that Mr. Fleming is present to discuss the proposal with the Board members.

Mr. Fleming explained that he was requested by Mr. Shoaff to prepare a proposal for the reroofing effort for the Municipal Center to include the preparation of the plans and bidding

documents as well as administering the bidding and selection process for the contractor, recommendation for award and construction observation.

Mr. Seeds questioned Mr. Fleming if he had an estimate of the cost for services. Mr. Fleming answered no as he was only requested two weeks ago to prepare the proposal and he has not sat down with staff to discuss materials.

Mr. Seeds questioned Mr. Wolfe if he had a ball park figure. Mr. Wolfe answered yes, noting that it was \$400,000 based upon estimates providers by contractors who looked at the roof knowing that it would be prevailing wage job.

Mr. Seeds noted that some HVAC units need to be removed from the roof. Mr. Wolfe noted that has been taken care of. Mr. Fleming noted that the equipment has been removed; however in discussions he held with Mr. Shoaff, it was noted that there were some old equipment stands that would need to be removed.

Mr. Seeds noted that the proposal mentions weekly site visitation and an estimate for two job site conferences. He explained that he has some experience in that line of work, noting that the Authority has inspectors who are on site all the time to oversee their work, and it has been his experience that when a job of this magnitude is done, someone should inspect the work once or twice a day, as it is critical when installing a flat roof to make sure that the specifications are being followed. He explained that he mentioned to Mr. Wolfe that we need to have someone inspect the work at least once a day. Mr. Fleming noted that he anticipated inspecting critical operations and thought that he would conduct weekly inspections and obviously as he sees the need to be up on the roof more, he would do so and work with the contractor to determine that schedule. He noted, in the interest in minimizing the budget to the Township, he did not want to commit to the project for a full time basis or on a daily basis unless the inspection was absolutely

necessary for construction process. He noted that he would work with his structural department and their inspection team to set that schedule with the contractor based on how the work was progressing. He noted that it did not make sense to have someone on the roof while they were removing the old roof. Mr. Seeds noted that we don't need someone of your level, just someone who has some experience and knowledge. He questioned if HRG could provide someone, understanding if they are just removing the old material then they would not need to be standing there. Mr. Fleming noted that his structural department has assisted other clients with similar type projects and they would be the ones performing the daily inspections. Mr. Seeds questions if there would be daily inspections when they are putting on the new roof and making the cuts with equipment. Mr. Fleming answered, if necessary. Mr. Seeds noted in his opinion it is necessary. Mr. Fleming noted that he can adjust the proposal language to reflect that if you wish. Mr. Seeds answered that he would like to see that is done that way noting that it doesn't have to be Mr. Fleming or an engineer but someone with knowledge that the bid specifications are followed. Mr. Fleming answered yes.

Mr. Crissman questioned if Mr. Fleming would be assigned to this project as the engineer. Mr. Fleming answered yes.

Mr. Crissman questioned if there would be an issue if he indicated in the motion that the project is a not-to-exceed amount of \$24,000. He noted that the letter stated estimated fee and he does not like an estimated fee. Mr. Fleming noted a concern if his inspectors would be required to be on site more than what he estimated, it may go over the amount that he proposed. Mr. Seeds questioned, if there is a change order over 10% of the total amount of the work, would that work. Mr. Fleming noted that he would be comfortable with fixing the fee and needing prior approval for extra assistance. He noted that he would work with staff to keep them up to date on

how the budget is doing for the project and if it would increase he would seek approval for increasing the budget.

Mr. Crissman stated that he would include a not-to- exceed amount of \$24,000 with an added sentence that any exception to this must be approved by the Board of Supervisors. He noted that HRG would have to apply for the extra payments. Mr. Seeds noted that the problem is that the Board does not meet everyday and he questioned if Mr. Wolfe could provide the approval. Mr. Hawk noted that the Board members are accessible, noting that he would prefer to keep the proposal at \$24,000.

Mr. Wolfe noted that staff has managed projects of this nature with similar language and it will be able to do that and seek Board approval if necessary. He noted that he would not expect Mr. Fleming to come to him at the last moment and state that he is over budget. Mr. Crissman noted that the integrity that Mr. Fleming has with his organization is unquestionable but he wants to make sure that the Township is not nickeled and dimed beyond the \$24,000. Mr. Fleming noted that it is his hope to bring the work in under the estimated fee if possible.

Mr. Hornung questioned if this is a time and materials proposal. Mr. Fleming answered yes.

Mr. Hornung questioned Mr. Seeds in regards to his mentioning similar projects, was he talking roofs as he just had one completed on his 29th Street store and he is not sure what you would inspect. He noted that you put down foam board and add a rubber roof on top, noting that you want to ensure that they are using the correct materials. Mr. Seeds noted that it has to do with the equipment and piping to ensure that it is sealed properly and the insulation if installed property. He noted that there are a lot of things to do with a rubber roof. Mr. Fleming noted for a critical operations inspection he would anticipate once they strip a section of the roof, he would

perform an inspection of the installation of the insulation to ensure that it was fashioned and secured properly and have someone for a longer inspection when they are actually putting the roof down to look at the roof penetrations and flashing.

Mr. Crissman made a motion to approve the proposal from HRG to provide engineering services regarding the replacement roof on the municipal center with one additional phrase, under the heading of compensation with a note, not to exceed \$24,000 unless otherwise approved by the Board of Supervisors. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Resolution 13-14; authorizing the submission of a grant application to
Pennsylvania Department of Conservation and Natural Resources
for Friendship Center energy improvements and for Heroes Grove

Mr. Wolfe noted that Brian Luetchford will present this agenda item to the Board members.

Mr. Luetchford explained that the total grant application is for \$250,000 from the Pennsylvania Department of Conservation and Natural Resources, noting that \$230,000 of the grant is for Heroes Grove project, with matching funds provided by that organization in the form of cash or in-kind contribution or other donations. He noted that the remaining \$20,000 is a matching grant for Friendship Center energy improvements to retrofit the lights in the fitness center, going from 38 metal halide lights to 14 LED lights, estimating a savings of 80% of the bill for that area.

Mr. Crissman made a motion to approve Resolution 13-14; authorizing the submission of a grant application to Pennsylvania Department of Conservation and Natural Resources for Friendship Center energy improvements and for Heroes Grove. Mr. Blain seconded the motion.

Mr. Hawk called for a voice vote and a unanimous vote followed.

Action on requests for waiver of real estate tax penalty and /or interest

Mr. Wolfe noted that it is not typical for the Board to receive such requests as the Board may receive one request a year; however, at this time the Board has four requests before it this evening. He noted that staff has reviewed all four of the requests and recommended approval of the first request on the list from the information provided as it was out of the control of the taxpayer; however, staff recommends the denial of the other three requests. He noted that the reasons that the taxes were not paid in the timely matter is because the taxpayer in some fashion forgot or neglected to pay. He noted that the amount for the penalty and interest are minor amounts.

Mr. Seeds questioned if the School District or Dauphin County acted on these. Mr. Wolfe noted that it would not be the School District, only Dauphin County and he does not know how they are responding to these requests.

Mr. Crissman made a motion to approve the first request for a wavier and deny the second, third and fourth request for a waiver. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Action on bids for cleaning services for the Municipal Center, Friendship Center, and Public Works and Sewer facilities

Mr. Wolfe explained that the Township only received one bid for the cleaning services; however, the one bid was from the current provider who is offering to maintain the current price for an additional year; the same price that has been in effect since 2009. He noted that Clean-Net USA provided the Township with the same bid for services in 2009 and 2011 and now they are

providing the same bid for services in 2013. He noted that staff finds Clean Net USA to be acceptable and appropriate and recommends that the Board award this bid this evening.

Mr. Crissman made a motion to approve the bids for cleaning services for the Municipal Center, Friendship Center, and Public Works and Sewer facilities in the amount of \$46,035.00 for 2013 services. Mr. Blain seconded the motion.

Mr. Seeds questioned if this is only for a one year contract. Mr. Wolfe answered that it is for one year with a one year option for renewal.

Mr. Hawk called for a voice vote and a unanimous vote followed.

<u>Preliminary/final subdivision plan for Copperstone Estates</u>

Mr. Wolfe noted that this plan proposes the development of six (6) single family dwelling building lots. He noted that the property is zoned AR, Agricultural Residential Zoning District and is located north of Union Deposit Road and west of Copperstone Road. He explained that the property consists of 13.34 acres and lots range in size from 1.5 - 5.0 acres, and will be served by private on lot sewage and private on lot water supply.

Mr. Wolfe noted that the applicant has requested the following waivers: 1) Waiver of the requirement to provide a preliminary plan; 2) Waiver of the requirement to provide curbing and sidewalks; and 3) Waiver (modification) of the requirement to provide financial security. (The applicant requests the financial security be posted on a "per lot" basis). He noted that staff supports the first two waivers but not waiver three. He noted that there are three site conditions, general conditions and staff comments.

Mr. Wolfe noted that the Planning Commission reviewed this plan at its March 6, 2013 meeting and recommended approval of the plan and approval of the waiver requests. Mr. Guise

suggested that the Township should look into ways to manage financial security on a per lot basis

Mr. Wolfe noted that Marc Kurowski from K&W is present to represent the plan.

Mr. Kurowski noted that the one of outstanding five items that remains from the most recent memo from Mr. Fleming has been resolved. He explained that he has secured the Highway Occupancy Permits from PENNDOT for driveway permits for Union Deposit Road. He noted that the other items listed are administrative or fees that will be taken care of.

Mr. Kurowski noted that the owner is seeking to waive the requirements of posting security in order to be able to post security on a per-lot basis, instead of posting the entire amount of security at the onset of the project, whereby the developer may have years until the lots are developed. He noted to that, the developer requests to post a security for each lot upon until the individual building permits are sought. He noted that the intention is to post the security, but trying to do it in a way that is more practical from a building standpoint so that the builder doesn't have money sitting in a bank, waiting for the lot to be developed. He explained, that is the consideration that he is asking for at this time. He explained that it is a modification of the requirement, not looking for complete relief from posting the security.

Mr. Dave Ionni, 6518 Plowman Ridge explained that he is a custom home building in the Township and wanted to reiterate a few things that Mr. Kurowski mentioned. He explained that he is only looking for a modification, as land development is very expensive and risky. He noted the recent changes in the stormwater requirements have added to the mix for costs. He noted that the proposed site has only six lots on 13 acres so the density is very small. He noted that the impervious coverage is small. He explained that the Township has included the adjustments for stormwater and stated that it will bond it all at once. He noted that it is expensive for the

developer to do this knowing that he will not sell all six lots this year. He explained that he may not sell them all until 2020 and he noted that most developers put in the streets, sewers, curbs and other items and get the bond back, but it is difficult to post a bond year-after-year-after-year for items that you can't do in advance. He explained that he can do very little of the stormwater work, noting that unlike driveways and street trees, stormwater rain gardens cannot be installed until he knows where the homes will be located. He noted that he can't put a driveway in as well since he doesn't know where the customer will want it. He noted that he would have to wait for each lot to be built to determine the stormwater plan and then ask for the return of the bond at that time. He stated that the only ones who are being served is the bank when he posts a bond year-after-year-after year.

Mr. Ionni noted that South Hanover Township recently implemented a plan because they understand that this is a little bit of overkill. He noted that the Township needs the security but they also realized that it might be more to ask from the developer then they really need to. He noted that their plan is to do what he is proposing, add a resolution on the plan on the cover sheet that a bond is required to be secured prior to applying for a building permit similar to what we need to do if we were going to install a septic system. He noted that he would be required to get approval for a septic system prior to posting a building permit with a note on the plan. He noted that once the bond is approved by the Board, then the building permit could be released. He explained that South Hanover Township, as an official measure of security does not release the occupancy permit until the bond is approved and implemented by the Township engineer. He noted that it basically provides the same level of security for the Township without the additional costs.

Mr. Ionni explained if there is less cost for him it makes the Township more attractive for him to do business in. He noted if he can provide the Township with the same level of security without having the hurdle of year after year bonding, noting that he hopes that the Board can see where he is coming from in this regard. He noted that South Hanover Township is becoming very aware of the cost of doing business.

Mr. Seeds questioned what the requirement for stormwater is for the six lots and if each lot has its own stormwater requirement. Mr. Ionni answered yes but the overall site has it broken down for the cost per site, noting that it is \$213,000 of proposed work. He noted that he proposes that it be divided by six and require the bonding, noting that there is a 10% contingency. Mr. Seeds questioned if there is one retention pond. Mr. Ionni answered that each lot has its own system, noting if there was one system he could have put it in and ask the Board to approve the bond. He explained that he has to do a plan for each lot. He noted that the advantage is that the lots are big and he could do a small pond for each lot but he can't put it in until he knows how the houses will be laid out. He noted that the ponds are only three feet deep and spread out over a large area as it allows the water to settle in the pond before escaping the lot. He noted that it is actually a rain garden.

Mr. Hawk noted that he understands the argument for the waiver request but it raises a lot of questions for him personally. He noted that you are asking the Township to assume your financial responsibility and it is a deviation from what he has seen as a member of the Board. He explained that he is afraid that without further discussion it would open the opportunity for all the other developers to ask for the same consideration. Mr. Ionni noted that he understood that and suggested that it might be something that the Board would want the Township to consider. He noted that the developers can offer the Township the type of security that you have presently

with an overall bond, and he wouldn't be able to start construction on any home until the bond is submitted. He noted that he is not asking the Board to assume any of his financial responsibility in that regard, he is only asking to be able to post the bond before he starts construction on any lot. He noted that it is simply the same thing the Board asks now but it is only asking that it be posted prior to the time of the start of construction for each lot and not years in advance.

Mr. Ionni explained that the Planning Commission questioned why the Township does not have a plan implemented to make it more attractive for developers. He reported that Ms. Moran answered that the Township had never been asked to do this before. He suggested that it would be a minimum amount of work for Township staff as he knows they are very busy but it is something that is already in place in regards to septic systems. He explained that he can't start to build until he has a septic permit, and he would apply for a bond the same time he applies for a septic permit. He suggested that he could offer the same level of security without being much more of a burden on Township staff.

Mr. Hornung noted that he feels no obligation to make it more attractive for a builder, but he does feel an obligation to future residents of the Township and all too often we lose the vision to realize as we implement more costs to build a house, the end result is that the developer passes those costs along to the buyer. He noted if it was just the developer and the buyers did not have to incur the cost, then the developer would have to eat it in order to remain competitive. He noted that the Township enforces a large obligation on the part of the developer and the price of housing rises and who ends up paying, the customer who buys the house. He noted that the general public will pay the bill and not the developer. He noted that if we can work without danger or risk to the Township he would like to talk about it; however, tonight is not the time to do it as he does not have enough information. He suggested that it would be good for the Board

to discuss this as some of the requirements by Department of Environmental Protection (DEP) and Environmental Protection Agency are horrendous when it comes to construction costs and we need to look at what we can do to minimize the construction costs to the homeowners as they are the ones who eventually pay for it. He noted, if it is okay with the other Board members, he would like to discuss this in a workshop session to determine if there is a way to accommodate Mr. Ionni's request. He noted that it will not happen tonight and Mr. Ionni could either get the plan approved without the waiver or come back to a workshop at wait to seek approval.

Mr. Seeds noted that he would like to hear Mr. Fleming's comments.

Mr. Fleming noted that he understands the request noting that he would have six improvement guarantees for this project as opposed to one. He noted that it would be five more documents for staff to track and to go through annual inspections and reductions for releases. He noted that the request is becoming more prevalent because DEP's and the Township's stormwater regulations are encouraging stormwater management to provide smaller facilities on each lot as opposed to one large basin. He noted, for this project, he did not think the costs whether it was a regional basin or six individual basins is significantly different. He suggested that a stormwater basin is around \$100,000 depending on the size for construction for bonding purposes noting that you have it in your other site improvements that you would customarily bond and it would probably end up with a similar bond amount whether or not you do on lot detention.

Mr. Hornung noted if it was one detention pond, he could go ahead and build it and then the Board would release the bond. He noted that you can't do that when you are building six. Mr. Fleming noted that you could construct the six individual... Mr. Hornung noted that Mr. Ionni stated that he could not do that as he does not know where to put them. Mr. Fleming noted that

Mr. Ionni proposed to put them in a specific location with a site specific design and a modification to that would require a revision. Mr. Hornung noted that he could not put them in to get the bond reduced because he doesn't know where to put them. Mr. Fleming explained that Mr. Ionni is preserving flexibility for each individual lot for stormwater management; however those six site specific stormwater ponds had infiltration tests noting that they were placed on the plan much more specific than a septic system would be, indicating where the system would be and if they were moved he would have to restart the entire process over again. He noted that the plan is approved and could be constructed and the bond could be released; however, it allows for flexibility for sighting the home. He noted that would be a concern that he would have.

Mr. Fleming noted that the subdivision and land development process is separate from the building process and once this project is recorded in the court house the lots can be sold to six different people who are not party to this conversation and relying on the person who sold them the house. He noted that Mr. Ionni would tell them the requirements but a layman would not understand all the requirements that are implemented through the development process and the step needed to close it out.

Mr. Ionni has to place the bond or... Mr. Wolfe suggested that it is Steve Stine question. He suggested that once you approve a plan in final form the lots can be recorded and it is the Board's responsibility to ensure financial security is there. He noted if this does not occur, then it is the Township's responsibility to install the improvements. Mr. Hornung questioned how South Hanover Township is doing it. Mr. Wolfe answered that he did not know. Mr. Hornung noted that he wants to see what South Hanover Township is doing and he needs to speak with Mr. Stine as he has a ton of questions to ask to see if this can work. He noted that we need to

work together because the one who pays is the person who is buying the house. He noted that he wants to purse this more.

Mr. Stine noted that he does not have personal knowledge of what South Hanover Township is doing; however, if they withhold the occupancy permit the owner cannot occupy the house. He noted in his experience you cannot withhold an occupancy permit for failure to install a required improvement; however, you can withhold it if the building is not constructed according to the building codes but he was unaware of a provision to use to required improvements be installed before occupying a dwelling.

Mr. Hornung noted that we want to make sure that we have done all we can do to accommodate the process. Mr. Stine suggested that there are other options. He explained that he and Mr. Wolfe have spoken about this but he has not had time to research the options. He noted that they could get a preliminary plan approved and when they sell the lot they get final approval for that lot, having a six phase subdivision, one lot per phase, and they would only have to post the security when they file for the final plan to be approved to be recorded.

Mr. Ionni questioned how long does a preliminary plan last. Mr. Stine noted that the builder would propose a phasing schedule over a period of years and if the lots don't sell, he could always revised the phasing schedule. Mr. Ionni noted that it seems logical. Mr. Stine noted that you would not need any additional engineering, just a matter of timing to getting final plan approval for a particular lot and then have it recorded. Mr. Ionni questioned if he would come before the Board to ask approval for Lot 4. Mr. Stine answered that is correct. Mr. Ionni noted if we are talking about trying to minimize the amount of Township time spent on this, having six lots may be as encumbering as the method that he proposed. Mr. Stine noted that he did not think it would be because it is within an already established process, but what you are

talking about is not an established process, and if we do it your way six years from now, knowing all those things will be little or no longer remembered by anyone who was here at this time as it will be different people. He noted that things will slip through the cracks and they won't get done properly. He noted if you stick with the established process it would go much smoother. Mr. Ionni noted that he understands that and appreciates the advice, noting that tonight is probably not the night to bring that for approval for this but not for him but the next developer and he agrees if you have some forethought if it lowers the cost of him doing business, his clients will get more. He noted that he has a lot of money wrapped up in these lots as there are more restrictions and he can't go ahead and make the deal as he has to hold out for a larger expense. He noted that he appreciates the open mindedness in this regard.

Mr. Crissman questioned Mr. Ionni if he could speak as the official representative for the plan. Mr. Ionni answered yes.

Mr. Crissman suggested to Mr. Ionni to request the Board to withdraw the item from the agenda and ask the Township Manager to schedule this for a workshop session to try to resolve it because if you say no and go forward, and he makes the motion, he will only make a motion to approve the first two waiver requests and it will not include the third waiver. He noted that you must make a decision as to what process to follow.

Mr. Ionni questioned if he did what Mr. Crissman proposed, would he be able to phase the project or could he simply modify the plan if approved with the first two waivers and not the third. Mr. Stine explained that Mr. Crissman proposed to discuss this in a workshop session that would be held the second Tuesday of May and then you would come back on the third Tuesday in May for approval. He noted that it would be approved as a preliminary plan with a phasing

schedule for final plans for six lots and it would keep the plan within the process that the Township has established.

Mr. Ionni noted that he would have to go to a workshop session with the proposed phasing project. Mr. Stine noted that it would be to go to the workshop session to discuss what options you have. Mr. Crissman noted that the Board takes no action in workshop. Mr. Ionni requested a minute to discuss his options with his engineer.

Mr. Hornung questioned whose idea it was to do it that way. Mr. Stine answered that it was Mr. Wolfe's idea but he was not sure if there are limits for a certain percentage of units in a phase, so he must research it further. Mr. Hornung noted if he could at least break it up into three or four phases he could do that. Mr. Seeds noted that he can see the point of not having a lot of money tied up with the way the economy is, although it is picking up, it could be years before the lots are sold.

Mr. Ionni noted that he will propose that the plan be approved tonight with the first two waivers and at some additional point he would address a future project with the proposed change. He noted that it is spring and it is the time to sell the lots and he would not want to delay the process at this time. He noted that he appreciates the Board's consideration. Mr. Seeds noted that Mr. Ionni has until July to seek approval for his plan, but he understands if he has some sales pending. Mr. Ionni noted that he has to take the opportunity to get his plan approved at this time.

Mr. Crissman questioned if Mr. Ionni was able to speak on behalf of the applicant. Mr. Ionni answered yes.

Mr. Crissman noted that Mr. Ionni is in agreement with the first two listed waivers.

Mr. Crissman questioned Mr. Ionni if he has or will be able to meet the three site specific conditions, to include the memo for HRG dated April 9, 2013 with the five conditions. Mr. Ionni answered yes.

Mr. Crissman questioned if Mr. Ionni was able to complete or meet the seven general conditions. Mr. Ionni answered yes.

Mr. Crissman questioned if Mr. Ionni would be able to meet the two staff comments. Mr. Ionni answered yes.

Mr. Crissman made a motion to approve the preliminary subdivision and land development plan for Copperstone Estates, Ionni Properties with the following waivers and conditions: 1) Waiver of the requirement to provide a preliminary plan; 2) Waiver of the requirement to provide curbing and sidewalks; 3) An Operations and Maintenance Agreement (O&M) must be provided prior to recording the plan; 4) Plan approval shall be subject to addressing all comments of HRG's memo dated April 9, 2013; 5) Upon approval, the Dauphin County Tax Assessment office will need to be notified of the subdivision in order to acquire parcel numbers for the new lots. The new parcel numbers shall be identified on the cover sheet of the plan to comply with plan recording procedures; 6) Plan approval shall be subject to Dauphin County Conservation District's review and approval of the Erosion and Sedimentation Control Plan; 7) Plan approval shall be subject to original seals and signatures on the plan; 8) Plan approval shall be subject to payment of engineering review fees; 9) Plan approval shall be subject to the establishment of an improvement guarantee for proposed site improvements; 10) Plan approval shall be subject to DEP's approval of a sewage facilities planning module; 11) Pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242 No. 428) known as the state highway law, a highway occupancy permit is required for all construction within PennDOT right of way; 12) Plan approval shall be subject to the payment of fee in lieu for six (6) lots @ \$2,320.00 per lot; 13) A street/storm sewer construction permit is required and is to be obtained prior to earthmoving activities. A pre-construction meeting is to be held prior to starting the project. Contact Matt Miller at 657-5615 to schedule the meeting. This may be held in conjunction with the Conservation District meeting; and 14) All signage must meet the requirements of the Lower Paxton Township Zoning Ordinance.

Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Improvement Guarantee

Mr. Hawk noted that there were three improvement guarantees.

Chelsey Falls, Phase I

An extension and 10% increase in a bond with Lexon Insurance Company, in the amount of \$144,866.04, with an expiration date of March 19, 2014.

Huntleigh, Phase I

An extension and 10% increase in a letter of credit with Fulton Bank, in the amount of \$108,950.33, with an expiration date of March 19, 2014.

Mindy Meadows, Phase II

An extension and 10% increase in a letter of credit with Fulton Bank, in the amount of \$13,773.19, with an expiration date of March 19, 2014.

Mr. Crissman made a motion to approve the three improvement guarantees. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton

Township Authority and the Lower Paxton Township Purchase Cards and Lower Paxton

Township Authority Purchase Cards. Mr. Crissman seconded the motion. Mr. Hawk called for a

voice vote, and a unanimous vote followed.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting.

Mr. Blain seconded the motion, and the meeting adjourned at 8:41 p.m.

Respectfully submitted,

Maureen Heberle Recording Secretary

Approved by,

Gary A. Crissman Township Secretary